

REMARKS

Claims 1-10 are pending in the present application and stand rejected. Claims 1 and 8-10 have been amended solely to correct minor editorial errors. No new matter has been added. The Examiner's reconsideration of the claim rejections is respectfully requested in view of the following remarks.

Drawing Objections

The drawings stand objected. Corrected drawings in accordance with the "Noticed of Draftsperson's Patent Drawing Review" are submitted herein. Withdrawal of the objections to the drawings is respectfully requested.

Specification Objections

The specification stands objected. The specification has been amended above in accordance with the Examiner's suggestions. Withdrawal of the objections to the disclosure is respectfully requested.

Claim Objections

Claims 1-10 stand objected. The claims have been amended above in accordance with the Examiner's suggestions. Because the claims have been amended *solely* in response to the claim objections, entry of the Amendment is respectfully requested. Withdrawal of the objections to the claims is respectfully requested.

Claim Rejections under § 112

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph. In particular, the Examiner argues that the claimed “result field” of claims 1, 2, 8, 9 and 10 is indefinite because the “‘result field’ points to a location in memory or a register[;] it does not actually get the result.” Applicants respectfully traverse.

The Examiner’s reasoning under the 35 U.S.C. § 112, second paragraph rejection is flawed. Applicants direct the Examiner to the law of indefiniteness as explained by the Federal Circuit on 8/5/2005 in *Datamize, L.L.C. v. Plumtree Software, Inc.*:

According to the Supreme Court, “[t]he statutory requirement of particularity and distinctness in claims is met only when [the claims] clearly distinguish what is claimed from what went before in the art and clearly circumscribe what is foreclosed from future enterprise.” *United Carbon Co. v. Binney & Smith Co.*, 317 U.S. 228, 236 (1942). The definiteness requirement, however, does not compel absolute clarity. Only claims “not amenable to construction” or “insolubly ambiguous” are indefinite. *See Novo Indus., L.P. v. Micro Molds Corp.*, 350 F.3d 1348, 1353 (Fed. Cir. 2003); *Honeywell Int’l*, 341 F.3d at 1338; *Exxon Research & Eng’g Co. v. United States*, 265 F.3d 1371, 1375 (Fed. Cir. 2001). Thus, the definiteness of claim terms depends on whether those terms can be given any reasonable meaning.

One skilled in the art reading the claimed term, “result field,” would discern a reasonable meaning from the specification and the claims themselves. Therefore, the citation to extrinsic evidence, such as the Hennessey and Patterson reference, becomes irrelevant. Nevertheless, it is respectfully submitted that the claimed term, “result field,” as interpreted in light of the specification, does *not* conflict with the single-paged citation to the Hennessey and Patterson reference.

Withdrawal of the rejection of claims 1-10 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claim Rejections under § 103

Claims 1-5 and 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mahurin et al. (U.S. Patent No. 6,493,819) (hereinafter “Mahurin”) in view of Isaman (U.S. Patent No. 6,449,710) (hereinafter “Isaman”), and Superscalar Microprocessor Design by Johnson (hereinafter “Johnson”) and Computer Organization and Design by Hennessy and Patterson (hereinafter “Hennessy”). The rejections are respectfully traversed.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mahurin, Isaman, Johnson and Hennessy, and further in view of White et al. (U.S. Patent No. 5,574,928) (hereinafter “White”) and Gover et al. (U.S. Patent No. 5,752,062) (hereinafter “Gover”). The rejections are respectfully traversed.

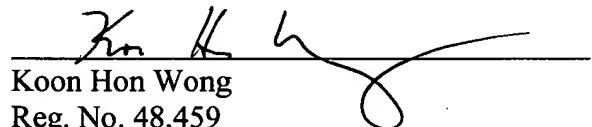
Applicants maintain the previous arguments, and submit the following. In the previous response, the Applicants noted several deficiencies in the previous references. For example, Applicants noted that Isaman teaches exactly what is described in the instant application in Figure 6. Isaman simply replaces the “merge” instruction with the “stitch” instruction. The teachings of Isaman were *rejected* by the instant application because of the performance loss. The Examiner argues that the Applicant is not arguing a limitation in the claim. However, by showing the flaws of the previous references, the Applicant is establishing that the Examiner is simply picking and choosing pieces of the prior art using the benefit of hindsight reasoning. In particular, the description of Isaman is clearly flawed. The addition of Mahurin is irrelevant because Mahurin does not teach resolving the performance loss of Isaman. The Examiner cannot simply dismiss those flaws by combining references in any manner he so chooses.

Accordingly, claim 1 is believed to be novel and nonobvious in view of the prior art. Independent claims 8, 9 and 10 are believed to be allowable for at least the reasons provided for claim 1. The dependent claims are believed to be allowable for at least the reasons given for claim 1. Withdrawal of the rejection of claims 1-10 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration is respectfully requested.

Respectfully submitted,

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